

# PLANNING APPLICATION REPORT

**Case Officer:** Tom French

**Parish:** Marldon **Ward:** Marldon and Littlehempston

**Application No:** 1239/17/FUL

**Agent/Applicant:**

Steven Bottomley  
Windhover  
Barracks Hill  
Totnes  
TQ9 6DG

**Applicant:**

Mrs Sarah Pike  
Totnes Road To Westerland Lane  
Westerland  
Marldon  
TQ3 1RU

**Site Address:** Totnes Road To Westerland Lane, Marldon, TQ3 1RU

**Development:** Retrospective application for erection of horse walker

**Reason for committee referral:** Referred by Cllr Pennington over highways concerns and parish council objection.



## **Recommendation:** Conditional Approval

### **Conditions:**

Accord with plans  
No more than 10 horses  
No more than one paid livery horse  
No external lighting on horse walker without consent

### **Key issues for consideration:**

Principle of Development  
Highways

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### **Site Description:**

The application site is 95m<sup>2</sup> in size, this being the area of the horse walker within the stable yard and car park.

The land owned around the site is a farm and stables which is known as Lower Westerland Farm which is an 18.8ha holding comprising 4 grazing fields which all lie on the south side of the farm yard. There are two buildings in the farm yard, a machinery/fodder store and stables.

The stables house 6 horses which are owned by the applicant; 3 horses which are non – charged livery and one horse paid livery.

The horse walker has already been erected and this is a retrospective planning application.

### **The Proposal:**

This is a retrospective application for erection of horse walker. The horse walker is circular with a 11.0m outer diameter fence and a 7.5m internal fence.

### **Consultations:**

- County Highways Authority: No highways implications
- Environmental Health Section: None received
- Marldon Parish Council: Objection: Previous planning issues have not been resolved, unable to consider extra plans until these sorted

### **Representations:**

None received

### **Relevant Planning History**

34/2514/15/E - Change of use of existing barn to 8 livery stables, erection of a horse walker, car parking and associated works – Refused for following reasons;

1. The proposed development would be likely to result in an increase in the volume and a material change in the character of traffic entering and leaving the Class C County Road through a junction which does not provide adequate visibility from and of emerging vehicles, contrary to paragraph 32 of the National Planning Policy Framework and policy DP7 of the South Hams LDF Development Policies DPD.
2. Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of off-street parking, surface water drainage, and on site turning facilities contrary to paragraph 32 of the National Planning Policy Framework contrary to paragraph

32 of the National Planning Policy Framework and policy DP7 of the South Hams LDF Development Policies DPD.

34/2395/10/AG – Prior notification of proposed agricultural storage building (Ag Detmn - details not required – 09.11.2010)

34/1505/02/F – Demolition and replacement of agricultural building (Conditional Approval – 19.09.2002)

## **ANALYSIS**

Principle of Development/Sustainability:

Principle of Development:

The site is in open countryside and the barn has an established Sui Generis Agriculture (see planning history). In this instance, the principle of development needs to be considered against policy DP18, which states:

Horse related development should only be permitted where:

- a. there is adequate land and, for commercial uses, adequate off-road riding facilities available for the number of horses to be kept on the land;
- b. existing buildings are reused where possible but where new buildings are necessary, these are well-related to existing buildings, commensurate in size with the number of horses to be kept on the land and the amount of land available for use by those horses;
- c. there is an agreed comprehensive scheme of management for any ancillary development including hardstanding, access roads, parking, fencing, lighting, storage, waste disposal, ménages and sub division of fields; and
- d. the proposal, either on its own or cumulatively, with other horse related uses in the area, is compatible with its surroundings and adequately protects water courses, groundwater and the safety of all road users.

The submitted information demonstrates that the site can accommodate the number of horses being kept on the land and there are no new buildings or structures being proposed other than the horse walker, which is the subject of this application. The application states that there are 10 horses being kept on the site, 6 of which belong to the applicant, 3 are non-commercial livery and 1 paid livery. It is proposed for this to be conditioned, whilst the red line covers the horse walker only, the blue line covers the wider site and therefore it is within the control of the authority to place conditions relating to the proposal on the wider site.

In light of the above it is considered the development is acceptable in principle subject to accordance with other adopted policies and the Development Plan.

Design/Landscape:

The horse walker does not result in a harmful impact on the wider landscape.

Neighbour Amenity:

The nearest properties are some distance away, it is considered that the living conditions of the occupiers of those dwellings are not negatively affected by the horse walker. There have been no representations from nearby residents.

Highways/Access:

The previous application was refused on highways grounds, however this application is substantially different and must be assessed as such. The previous proposal involved extensive commercial use, which was refused. The county highways engineer has reviewed this application and has no objections to the amended proposal.

Enforcement:

Following an enforcement investigation it was concluded that the change of use of the buildings to stables does not cause harm and it would not be expedient to take enforcement action. It was considered that the construction horse walker required consent.

***This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004***

## **Planning Policy**

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

### ***South Hams LDF Core Strategy***

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

### ***Development Policies DPD***

DP1 High Quality Design

DP2 Landscape Character

DP15 Development in the Countryside

DP18 Horse related development

## **Emerging Joint Local Plan**

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

## **PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION**

**(as considered by the Full Councils end Feb/Early March 2017)**

SPT1 Delivering sustainable development

TTV31 Development in the Countryside

DEV20 Place shaping and the quality of the built environment

## **Considerations under Human Rights Act 1998 and Equalities Act 2010**

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

### **Proposed Conditions**

1. The development hereby permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice.

Reason: For the avoidance of doubt and in the interest of proper planning.

2. No more than 10 horses shall be stabled on the site at any time.

Reason: To prevent an over intensive use of the site and in the interest of highway safety.

3. No more than one of the horses kept on the site shall be a paid livery horse.

Reason: To ensure the primary use of the site remains as private equestrian.

4. No external lighting shall be installed on or around the horse walker without prior written consent of the local planning authority.

Reason: In the interests of preserving the character of the countryside and ecology.